

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has made a good faith attempt to amend claims 1, 11 and 20 to clarify the novel "echo cancellation" features of the subject invention. Favorable reconsideration of this application, consequently, is earnestly solicited in view of the following remarks. Applicant gratefully appreciates the telephone consultations with the Examiner.

Independent claims 1, 11 and 20 now more clearly recite the novel monitoring for "echo cancellation break signals", and in particular repeating steps and monitoring means when less than three echo cancellation break signals are detected. Pages 17-18 of the specification and Figure 5 clearly describe these novel claimed features.

Claims 1-6, 8 and 10-20 were rejected under obvious double patenting as being unpatentable over claims 1-5 of Tuttle 262 in view of Cox '319.

Claims 1, 11 and 20 have been amended to clarify the novel echo cancellation features of the invention. Tuttle 262 describes a parent application to the subject invention. The subject claims recite a "two tier" "detecting" method and system, having a "first tier" and a "second tier." Claims 1-5 of Tuttle 262 do NOT recite "two tier", "first tier" and "second tier" phrases and features. Thus, the subject invention is NOT claiming identical subject matter to that of the subject invention. Thus, the Tuttle 262 reference is not available as prior art under obviousness type double patenting since it does not claim the same features.

Furthermore, Tuttle 262 does not describe, teach or suggest any features of "echo cancellation" which are claimed in the subject claims.

Cox describes performing "echo cancellation" but DOES NOT describe, teach or suggest the novel claimed features of repeating steps and monitoring when less than three "echo cancellation break signals" are detected along with the other novel claimed features of independent claims 1, 11 and 20. Thus, removal of this rejection is requested.

Claims 1-6, 8 and 10-20 were rejected under sec. 102e as being anticipated by Cox '319. Applicant strongly disagrees with the constant misinterpretations that Cox describes, teaches and suggests all of the claimed features. For example, the examiner refers to a "two tier" method, etc. at columns 2, 3. However, clearly there is NO wording related to the novel "two tiers" that is claimed in the subject invention.

The examiner states that Cox does "repeating....for less than three sound occurrences..." and refers to column 2. A careful reading of this column clearly shows there is NO language for teaching this point of examining less than three occurrences.

Again, the subject invention claims have been amended to incorporate a novel "two tiered" method of analyzing the detected signal from the answering machines to determine if a "continuous...tone" over one period is detected, and a "silence...response" over another period is detected, wherein the one period and the another period are "different" from one another. Furthermore, the novel invention claims delivering the "recorded information message" to be "launched closer to the time when the answering machine begins recording in a nontruncated form, so that the recorded message is recorded completely by the answering machine....." The subject specification has description for this novel invention on at least pages 1-4, 13 and throughout the drawing figures. Clearly, these novel features are not described, taught, nor suggested by Cox. Thus, removal of this reference is respectfully requested.

As previously noted Cox '319 is NOT capable of determining both conditions. Furthermore, applicant notes that the same Cox '319 reference was cited by the parent application 09/124,697 to the subject application which matured into U.S. Patent 6,324,262. Applicant has also amended independent claims 1, 11 and 20 to more clearly clarify the novel features of the claims which are now similar to those of the previously allowed patent, which applicant believes was encompassed by the previous language in the claims, and which is also clearly encompassed by at least page 1, lines 4-9, of the specification. Furthermore, this similar language was also in the allowed claims of the parent application 09/124,697 to the subject application which matured into U.S. Patent 6,324,262. Again, the parent patent clearly referred to the Cox '319 reference.

MPEP section 706.04 states that full faith and credit should be given to the action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art. The examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner in mere hopes of finding something. *Amgen Inc. v. Hoechst Marion Roussel, Inc.* 126 F. Supp. 2d 69, 139, 57 USPQ 2d 1449(D-Mass 2001).

Applicant strongly disagrees with the constant misinterpretations that Cox describes, teaches and suggests all of the claimed features. For example, the examiner refers to a "two tier" method, etc. at columns 2, 3. However, clearly there is NO wording related to the novel "two tiers" that is claimed in the subject invention.

The examiner states that Cox does "repeating....for less than three sound occurrences..." and refers to column 2. A careful reading of this column clearly shows there is NO language for teaching this point of examining less than three occurrences.

Claims 1-6, 8 and 10-20 were rejected under sec. 102b as being anticipated by Caldwell '624. The Caldwell patent describes an "automatic telephone call origination and retry system and method of operation", title.

Applicant strongly disagrees with the constant misinterpretations that Caldwell describes, teaches and suggests all of the claimed features. For example, the examiner refers to a "two tier" method, etc. at columns 2, 3. However, clearly there is NO wording related to the novel "two tiers" that is claimed in the subject invention.

The examiner states that Caldwell does "repeating....for less than three sound occurrences..." and refers to column 6. A careful reading of this column clearly shows there is NO language for teaching this point of examining less than three occurrences.

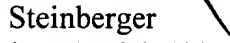
The subject independent claims 1, 11 and 20 have been amended to more clearly clarify the novel features of the subject invention. For example, the subject invention claims have been amended to incorporate a novel "two tiered" method of analyzing the detected signal from the answering machines to determine if a "continuous...tone" over one period is detected, and a "silence...response" over another period is detected, wherein the one period and the another period are "different" from one another. Furthermore, the novel invention claims delivering the "recorded information message" to be "launched closer to the time when the answering machine begins recording in a nontruncated form, so that the recorded message is recorded completely by the answering machine....." The subject specification has description for this novel invention on at least pages 1-4, 13 and throughout the drawing figures. Clearly, these novel features are not described, taught, nor suggested by Caldwell. Thus, removal of this reference is respectfully requested.

Applicant respectfully requests the subject invention be passed onto allowance. Again, applicant has made a good faith attempt to amend the subject claims to more clearly clarify the allowable subject matter. The Examiner is requested to contact the undersigned if they believe there are still issues that would prevent the subject application from being allowed.

Date

6/24/05

Respectfully Submitted,



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